

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	CHAPTER 7 PROCEEDING
	)	
KELLY BRENNER,	)	CASE NO. 20 B 09289
	)	
DEBTOR.	)	HON. DAVID D. CLEARY

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT on **July 22, 2020, at 10:00 a.m.**, I shall appear before the Honorable David D. Cleary, Bankruptcy Judge or before any other Bankruptcy Judge who may be sitting in his place and shall present a **Motion of the United States Trustee for an Extension of Time to Object to Discharge and to File Motion to Dismiss**, a copy of which is attached and served on you.

**This motion will be presented and heard telephonically.** No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at [www.CourtSolutions.com](http://www.CourtSolutions.com) or by calling Court Solutions at (917) 746-7476.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ David Paul Holtkamp  
David Paul Holtkamp, Trial Attorney  
OFFICE OF THE U.S. TRUSTEE  
219 S. Dearborn Street, Room 873  
Chicago, Illinois 60604  
(312) 353-5014

**CERTIFICATE OF SERVICE**

I, David Paul Holtkamp, an attorney, certify under penalty of perjury under that I caused a copy of this notice, attached motion and proposed order to be serviced on each entity shown on the attached service list at the address shown and by the method indicated on July 14, 2020, before 5:00 p.m.

/s/ David Paul Holtkamp

**SERVICE LIST**

**Registrants Served Through the Court's Electronic Notice for Registrants:**

Richard M. Fogel: rfogel@foxrothschild.com, il72@ecfbis.com

Patrick S. Layng: USTPRegion11.ES.ECF@usdoj.gov

David M. Siegel: davidsiegelbk@gmail.com, R41057@notify.bestcase.com;  
johnellmannlaw@gmail.com

**Parties Served via First Class Mail:**

Kelly Brenner  
1226 W. Ohio St., Apt. #1  
Chicago, IL 60642

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541

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KELLY BRENNER,	)	CASE NO. 20 B 09289
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**MOTION OF THE UNITED STATES TRUSTEE FOR AN EXTENSION OF  
TIME TO OBJECT TO DISCHARGE AND TO FILE MOTION TO DISMISS**

NOW COMES PATRICK S. LAYNG, the United States Trustee for the Northern District of Illinois, by his attorney, David Paul Holtkamp, and pursuant to 11 U.S.C. § 727(c)(1) and Fed. R. Bankr. P. 4004(b), hereby requests this Court to grant an extension of time to object to the discharge of Kelly Brenner (the “Debtor”), and to file a motion dismiss the Debtor’s case for abuse pursuant to 11 U.S.C. § 707(b) and Fed. R. Bankr. P. 1017(e)(1). In support of this request, the U.S. Trustee states as follows:

1. This is a core proceeding concerning the administration of this estate pursuant to 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine pursuant to IOP 15(a) and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.

2. On April 14, 2020, the Debtor filed her voluntary petition for relief Chapter 7 of the Bankruptcy Code. On or about that same time, Richard Fogel was appointed Chapter 7 Trustee in the Debtor’s case. The last date for parties to object to the Debtor’s discharge or to file a motion to dismiss her case under § 707 is currently set for July 27, 2020.

3. Schedule I reflects the Debtor is unemployed and has no monthly income. The Debtor’s non-filing spouse is employed with Environs Development, Inc. and earn \$10,000 gross per month. The Debtor’s Statement of Financial Affairs, question four, shows the Debtor earned \$51,471 in 2018 and \$124,855 in 2019 and 2019.

4. The Debtor and her Spouse list total net income of \$7,358 on her Schedule I. The Debtor does not expect an increase or decrease within the next year. The Debtor's Schedule J reflects total monthly expenses of \$11,981. Included in that amount is rent in the amount of \$3,200, the Debtor's non-filing spouse's credit cards in the amount in the amount of \$2,650 and \$1,300 for children's extra curriculum. The Debtor and her non-filing spouse are negative \$4,623 per month.

5. The Debtor's Schedule E/F reflects \$136,931 in unsecured debt, a majority of which is credit card debt. The Debtor failed to list when the debts were incurred.

6. Based on the above, the U.S. Trustee requests additional time to investigate the veracity and completeness of the Debtor's petition, schedules, statement of financial affairs and testimony given at the meeting of creditors in order to determine whether cause exists to file an objection to her discharge pursuant to 11 U.S.C. § 727(a) or a motion to dismiss the Debtor's case pursuant to 11 U.S.C. § 707.

WHEREFORE, the U.S. Trustee requests this Court extend the date to object to the Debtor's discharge pursuant to 11 U.S.C. § 727(a) and for filing a motion to dismiss the Debtor's case under § 707(b) through and including October 26, 2020, and for such other relief as this Court deems just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG  
UNITED STATES TRUSTEE

Dated: July 14, 2020

By: /s/ David Paul Holtkamp  
David Paul Holtkamp, Trial Attorney  
OFFICE OF THE U.S. TRUSTEE  
219 S. Dearborn Street, Room 873  
Chicago, Illinois 60604  
(312) 353-5014